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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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10 GARY ALLEN WINTERS,

11 Plaintiff,

12 v.

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14 SERGEANT JOSEPH VANICEK and

15 UNION GAP POLICE CHIEF,

16 Defendants.  
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1:15-cv-03123-SAB

**ORDER DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE**

18 By Order filed September 2, 2015, the Court instructed Mr. Winters to file a  
19 new application to proceed *in forma pauperis*. Plaintiff had initiated this action  
20 pursuant to 42 U.S.C. § 1983, and indicated on the complaint form that he had  
21 been released from incarceration. ECF No. 1. The transmittal envelope indicated  
22 a residential address in Yakima, Washington. ECF No. 1-2. He sought leave to  
23 proceed *in forma pauperis*.

24 Under the Prison Litigation Reform Act, there is no mechanism for  
25 collecting the filing fee in partial payments as mandated by the statute once a  
26 prisoner has been released from incarceration. 28 U.S.C. § 1915(b)(2). Therefore,  
27 Plaintiff was told to file a new *in forma pauperis* application within thirty (30)  
28 days. A copy of the Order was mailed to Plaintiff, but returned on September 16,

1 2015, as undeliverable. Plaintiff has not kept the court informed of his current  
2 address and has filed nothing further in this action.

3 On September 30, 2015, Attorney Kirk A. Ehlis, entered a notice of  
4 appearance on behalf of the named Defendants. The Court did not direct a  
5 response to the complaint under 42 U.S.C. § 1997e(g)(1), and no answer has been  
6 filed. Indeed, this action has not yet commenced as the filing fee was not paid as  
7 required by 28 U.S.C. § 1914, and an appropriate application to proceed *in forma*  
8 *pauperis* by a non-prisoner has not been filed.

9 Therefore, **IT IS ORDERED** the Complaint is **DISMISSED without**  
10 **prejudice** for want of prosecution.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
12 this Order, forward a copy to Plaintiff at his last known address, and close the file.  
13 Defendants' counsel shall receive notice electronically in the ordinary course of  
14 business.

15 **DATED** this 5<sup>th</sup> day of October 2015.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

21 Stanley A. Bastian  
22 United States District Judge  
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